

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

76-8262/A

18 AUG 1976 OLC: 76-1735/a

Honorable Bella S. Abzug, Chairwoman
Subcommittee on Government Information and
Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Policy

Dear Madam Chairwoman:

This letter is in response to your request of 10 June 1976 inquiring into the policies of this Agency regarding records disposal, particularly methods and procedures for transferring files and records to the National Archives.

The Central Intelligence Agency has statutory obligations under 44 U.S.C. 33 to obtain approval of the Administrator of General Services for the retention and destruction of records. As you are aware, the mechanism for obtaining this approval is the submission of records control schedules to the Archivist. In compliance with GSA Bulletin FPMR B-62 dated 22 January 1976, we are presently updating all of our records control schedules for submission to the National Archives and Records Service (NARS) by 31 December 1976. These records control schedules specify the period of retention for each file series and request approval for either retention of permanent records or the disposition of nonarchival records after the expiration of a specified period.

The Agency transfers files and records to the National Archives in accordance with provisions of the Federal Property Management Regulations (FPMR). Chapter 101, Section 11.411-3 governs the direct transfers of records and provides that "Such transfers shall be initiated by Federal agencies by written requests to the General Services Administration specifying the nature and quantity of records proposed for transfer." The most recent transfer of records to NARS involved 167 motion picture subjects produced or acquired by the Office of Strategic Services during World War II. A copy of the accession inventory is enclosed per your request.



Current CIA regulations provide that "all information, classified or unclassified, received, compiled, or created by the Central Intelligence Agency (except personal copies of unclassified personnel papers) is official data and is the property of the United States Government." Current CIA regulations do not otherwise recognize a category of records characterized as "personal papers." Our regulations do not permit the removal from the Agency for personal use of documents, copies of documents, or other information, whether by a Presidential appointee or civil servants.

In the past ten years, the Agency has taken action against two employees for the unauthorized destruction or taking of records. One case involved an Agency employee who was discovered having classified material in his home. The employee's contract was terminated as it was determined that the presence of the classified material was in contravention of specific Agency regulations. The other case involved an employee who destroyed documents without authorization. The employee was suspended and later was allowed to retire.

Sincerely,

/s/ George Bush

George Bush
Director

Enclosure

Distribution:

Original - Addressee	1 - OLC Subject
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OLC:JK/NS/dla/cra(Typed 13 August 1976)

STATINTL

National Archives and Records Service
Washington, DC 20408

JUN 24 1975

STATINTL

[Redacted]
Records Management Officer
Central Intelligence Agency
Room 2E42
Washington, DC 20505

STATINTL

[Redacted]
We appreciate the attention that the records management office of the Central Intelligence Agency has given to the preservation of the Agency's records and their disposition in accordance with the law (44 U.S.C. 3101, 3102).

We have, however, learned from the recent Report to the President on CIA Activities Within the United States, pages 157, 203, 226, that certain records of the CIA have been disposed of apparently without the submission of a formal "Request for Authority to Dispose of Records" (Form 115) to the National Archives and Records Service. We have also read an account of an interview given by CIA Director William E. Colby, published in the Washington Post on June 22, in which he is quoted as stating that he plans to destroy certain other records as soon as the investigations by Congressional committees are completed.

Because of the responsibility given to the National Archives and Records Service for the disposition as well as the preservation of records we wish to let you know that any future disposal of records should be handled in accordance with National Archives procedures set up under 44 U.S.C. by scheduling disposal on Standard Form 115.

Sincerely,

James E. O'Neill
JAMES E. O'NEILL
Acting Archivist
of the United States

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Chronology of the Records Management Program in CIA

Public Law 754, approved 5 September 1950, amended Public Law 152 and others. Section 501 of PL 754, known as the Federal Records Act of 1950, requires each Federal Agency to establish and maintain an active Records Management Program. Legislative Counsel ruled on 2 October 1950 that CIA must comply with the Public Laws 152 and 754 to the extent possible. The Program is administered within the Agency under [] on a decentralized basis.

The Program evolved thusly:

- March 21, 1946 - Message Center and Central Files established within the Administration Division of CIG. From this came a Central Records Section, for all except cables, under Communications Division.
- July 1947 - Central Records transferred to the Services Branch under []
- November 1947 - Deputy Chief, Central Records Division, Services Branch designated Records Administrator for CIA. Two file analyst positions were authorized, GS 5 and 7.
- December 1947 - Liaison with National Archives set up.
- May 1948 - a CIA Uniform Filing Manual published. Central Records Division transferred to Office of Collection and Dissemination. Central Top Secret Control established.
- July 1948 - Agencywide records program set up in OCD.
- February 1949 - Central Records became Archives Division in Library Branch, OCD.
- November 1949 - Admin. Instruction [] established a Records Management Program for CIA with designated records officers in each staff and office. Archives Division became Records Management Branch and transferred to Services Office.
- May 1951 - Name changed to Records Management and Distribution Branch, General Services Division, Administrative Services Office.
- July 1951 - Regulation [] reestablished a Records Management Program for CIA under Chief, Administrative Services.
- September 1953 - [] outlined scope of the Agency Program.

- February 1954 - General Services Office abolished and Records Program transferred to Management Improvement Staff, O/Comptroller.
- April 1954 - Records Management Staff set up under the Management Staff, DD/Administration. STAT
- April 1955 - Records Center moved []
- November 1955 - DDP granted special vault area within the Center
- January 1956 - Comptroller given special compartmented area for certain records.
- March 1956 - OCI acquired a special area for its records.
- March 1957 - an addition to the Records Center approved.
- April 1959 - Vital Materials repository combined with the Records Center. One GS-12 position abolished.
- December 1959 - DDP compartmentation at the Center removed.
- June 1961 - Management Staff abolished.
Records Management Staff transferred to the office of the DD/Support.
Staff reduced from 21 to 6 professionals and two clerks.
Program was decentralized to the directorates.
- STATINTL Feb 1953 to Dec 1966 - [] was in charge of the program in the Agency.
- STATINTL June 1966 - [] nominated for the Federal Paperwork Mgt. Award.
- STATINTL Early 1966 - Program transferred to Support Services Staff [] under DDSupport.
- STATINTL January 1967 to June 1972 - [] headed the Program. The Central Staff continued with 6 professionals and a cordon of records officers throughout all offices.
[] was Chief of the Records & Archives Center. Annual Conferences at [] instituted. STATINTL
- August 1968 to May 1972 - a Records Management Board was established with Vince as the Chairman and representatives from each Directorate who served as the Senior Records Officer within his area.
Vince transferred to Office of Training to establish a training program in records management. During FY 1973 over 1,000 persons have received training or briefings on records management.

STATINTL May 1972 - [] became responsible for the Agency
Records Program. [] as Chief
of the Records Administration Branch. The Program was
transferred to the O/DCI. STATINTL

STATINTL [] was appointed by ExDirCompt (Colby) as
Special Assistant for Information Control (SAIC). An
Agency Archives was established separately. A new
Records Management Board was set up.

1 May 1973 - SAIC was transferred to the Deputy Director for
Management and Services.
Areas of concern for the SAIC:
Records Management Board
Records Administration Staff
Records Center
Archives
Classification/Declassification Program.

July 1973 - Support Services Staff (SSS) was abolished, and records
functions transferred to SAIC. Regulations Control Branch
transferred to Executive Officer of DDM&S. RAS became RAB
and transferred under SAIC within DDM&S. DDM&S Records
Officer transferred to SAIC. MPB created under SAIC.
Classification Program Branch created.

Aug. 1973 - SAIC title changed to ISAS/DDM&S.

Aug. - Sept 1974 - ISAS/DDM&S changed to ISAS/DDA. [] made
Chief of ISAS. STATINTL

STATINTL Jan. 1975 - [] became Chief, ISAS, consisting of:
Records Administration Branch
Regulations Control Branch
Microfilm Programs Branch
Agency Records Center
Agency Archives
Information Review Staff (Formerly CPB) transferred
to O/DDA and later retitled Information and Privacy
Staff.
Moratorium on destruction of records imposed by Senators
Scott and Mansfield and implemented by Colby.

Aug. 1975 - ISAS transferred to Assistant for Information, DDA.

Apr. 1976 - Records Center and Archives merged to Agency Archives
and Records Center. [] named Deputy Chief, ISAS
and Chief, Records Administration Branch. STATINTL

STATINTL Aug. 1976 - [] made Acting Chief, ISAS. []
named to IG/DDO Task Force. STATINTL

15 December 1976

STATINTL

MEMORANDUM FOR: Deputy Director for Administration
FROM :
Chief, Information Systems Analysis Staff
SUBJECT : Preliminary Evaluation of the Records
Disposition Program

1. The revitalized Agency Records Disposition Program will assure the Agency's future success in meeting its obligations for the preservation and disposition of records. With the approval of Agency Records Control Schedules by the Archivist of the United States coupled with Congressional Committee clearances, the instruments of legal authority for the retention and disposition of our records will be firmly established.

2. The policy decision to forward all Agency Records Control Schedules, including amendments, to the National Archives and Records Service (NARS) for review and approval by the Archivist of the United States prior to the disposition of Agency records, has insured Agency compliance with Federal Disposal Codes. Accordingly, the newly revised and approved schedules, including amendments, constitute the legal authority for the disposal of all Agency record collections identified therein in accordance with the provisions of 44 U.S.C. 3303, and provides Agency Records Management Officers with the legal authority necessary for the implementation of an official Records Disposition Program.

3. The previous forty-four (44) Agency Records Control Schedules will be revised and consolidated into twenty-two (22) legally approved schedules. The new schedules, in accordance with legal requirements where applicable, will insure shorter retention periods prior to disposal for many of the records presently stored in our Records Center and the destruction of various other record collections presently maintained in working office areas.

4. As a result of this revitalized Records Disposition Program the following benefits should be realized during the current and future years:

a. The immediate and subsequent destruction of records authorized by the new schedules along with the proposed microfilming of long-term and permanent records should have a positive impact on space availability in the Agency Records Center.

b. The volume of records accessioned by the Records Center should decrease.

c. The volume of records destroyed in the office area should increase.

d. The volume of records destroyed in Archives and Records Center should increase.

e. The processing and transporting of records between Headquarters and the A&RC should decrease.

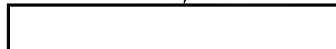
f. The volume of "permanent records" should decrease.

g. The volume and time periods that temporary records will be retained in the Records Center will be reduced as a result of the retention period changes established by NARS.

h. Shorter retention periods should result in the reduction of the volume of records requiring the 30-year mandatory review for declassification.

5. This program will require careful monitoring during the implementation phase to ascertain that the offices are cooperating and abiding by the new schedules. Any variance from the schedules will require action on the part of the Records Administration Branch and the components to amend schedules. Any worthwhile evaluation of this program should not be expected for at least a year when our actual experience with the positive indicators can be fully examined.

15/



STATINTL

10 DEC 1976

Dr. James E. O'Neill
Deputy Archivist of the United States
National Archives and Records Service
Washington, D.C. 20408

Dear Jim:

Attachment A contains an exchange of correspondence between Senators Scott/Mansfield and Mr. Bush which deals with the subject we discussed during our telecon of 8 December (see attachment B).

I trust that these letters will provide you with the information you are seeking but if not, please let me know.

Sincerely,

/s/

[Redacted Signature Box]

STATINTL

Attachments

Distribution:

- Orig - Adse w/atts
- 1 - ISAS w/atts
- ✓ 1 - RAB Subject w/atts
- 1 - RAB Chrono w/o atts

DDA/ISAS [Redacted Box] jlb (9 Dec. 76)

STATINTL

WASHINGTON, D.C. 20505

76-23751A
OLC 76-1692/a

22 JUN 1976

Honorable Mike Mansfield
United States Senate
Washington, D.C. 20510

Dear Senator Mansfield:

In accordance with your letter of 10 June 1976, we have extended the period of the moratorium on the destruction of certain records which were the subject of your letter of 27 January 1975 in connection with S. Res. 21. The moratorium will expire on 10 December 1976.

In addition, before any such records are destroyed, we shall transmit to the Senate Select Committee on Intelligence copies of the record schedules which are submitted to the National Archives and Record Service for their approval prior to the destruction of any records. The same will be done with respect to those routine administrative records which, although not involved under S. Res. 21, were withheld from routine destruction during the life of that Resolution. I am confident that suitable arrangements can be made for review of documents before they are destroyed if this is the desire of the Select Committee.

It is hoped that these arrangements are fully responsive to the wishes of you and the Senate Select Committee on Intelligence as outlined to me in your letter of 9 June and Chairman Inouye's letter of 8 June to you.

Sincerely,


George Bush
Director

cc: Chairman Daniel Inouye



United States Senate
Office of the Majority Leader
Washington, D.C. 20510

June 10, 1976

Honorable George Bush
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Director:

With reference to your letter of June 2, we took up the substance of your communication with the Honorable Daniel K. Inouye, Chairman of the Select Committee on Intelligence, United States Senate, and received from him a reply under date of June 9, 1976, which we enclose along with copies of our letter to Chairman Inouye under date of June 7 and his reply to us under date of June 8.


We concur wholeheartedly in the decision of the Committee that "there should be a moratorium on the destruction of these records for approximately six months and that notice should be given of the moratorium on destruction so that those who may wish to take legal or other action may do so."

As ex officio members of the Select Committee on Intelligence, we approve fully of the Committee's recommendation "that the CIA and other intelligence agencies should submit an inventory of the records to be destroyed to the Select Committee, and that the Select Committee staff should review documents intended to be destroyed."

With best personal wishes and our highest regards, we are

Sincerely,


HUGH SCOTT, REPUBLICAN LEADER


MIKE MANSFIELD, MAJORITY LEADER

DANIEL K. INOUE, HAWAII, CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
BIRCH BAYH, IND.
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JAKE GARN, UTAH

WILLIAM G. MILLER, STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

June 9, 1976

The Honorable Mike Mansfield
United States Senate
Washington, D. C.

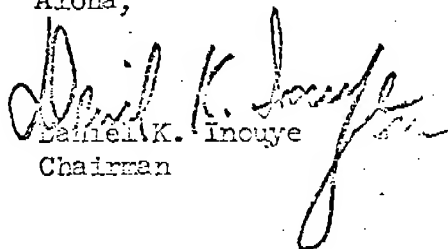
Dear Senator Mansfield:

The Select Committee on Intelligence met today to consider, as you requested, the question of destruction of certain records by the intelligence agencies of the U.S. Government and to make recommendations for action. The Committee is unanimously of the opinion that there should be a moratorium on the destruction of these records for approximately six months and that notice should be given of the moratorium on destruction so that those who may wish to take legal or other action may do so.

It is further the recommendation of the Committee that the CIA and other intelligence agencies should submit an inventory of the records to be destroyed to the Select Committee, and that the Select Committee staff should review documents intended to be destroyed.

With kind regards,

Aloha,


Daniel K. Inouye
Chairman

(This same letter to Senator Hugh Scott)

JUN 7 1976

Honorable George Bush
Director, Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Bush:

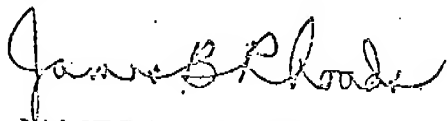
Through the courtesy of your General Counsel's office we have received a copy of your letter of June 2 to Senator Hugh Scott indicating the intent to resume the disposal of Central Intelligence Agency records.

The disposal of Federal records is governed by the Federal Records Act which requires the approval of the Administrator of General Services (44 U.S.C. 3303a) before such disposal can take place. This authority has been delegated by the Administrator to the Archivist of the United States.

In view of our responsibility in this area we believe that some clarification of your June 2 letter is desirable. I refer particularly to the references to "records which were collected and maintained by the Agency and which were subject to investigation by the Rockefeller Commission and the Select Committee" and to the Privacy Act and Executive Order 11905 requiring the destruction of records. I would appreciate knowing whether the requirements of the Federal Records Act are being observed and, in particular, whether the records proposed for destruction have been described on records disposition schedules approved by us.

I share with you the desire to dispose of records which have no permanent value at an early moment. However, pending clarification of the above points I would appreciate it if you would continue in effect the moratorium on the destruction of Central Intelligence Agency records.

Sincerely,



JAMES B. RHOADS
Archivist of the United States

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